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MONTANA

Do-Not-Call List

STATE DOCUMENTS COLLECTION

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Information Packet

www.discoveringmontana.com
Consumer Protection Office(406) 444-4500
6/27/2003

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Starting **July of 2003**

To Join the Federal Do-Not-Call List Dial

1-888-382-1222

TTY 1-866-290-4236

From the Phone Number you
Want to Add or by Internet at

www.donotcall.gov

If you join the Federal List, you will Automatically be placed on the State List when it Starts in **January of 2004**.

Businesses have 3 months after you join the Federal Do-Not-Call List in which to stop calling you. Enforcement of the Federal List will begin **October of 2003**. Enforcement of the State List will begin **April of 2004**.

For more information
Call the Consumer Protection Office at 444-4500
www.discoveringmontana.com

Background

The Federal government has struggled with whether to make a do-not-call list for several years. After numerous states passed do-not-call lists, the Federal government decided to create a national list to cover all telemarketing calls that cross state lines. The Federal Trade Commission (FTC), after 2 years of public comment and input from all of the states, proposed changes to the Telemarketing Sales Rules (TSR). In February of 2003, these changes to the TSR were adopted and a Federal do-not-call list was created.

Montana's 2003 Legislature examined the need for a State do-not-call list. In April, the legislature passed House Bill 424 (proposed by Rep. Larry Jent). Governor Martz signed HB 424, which authorizes the Department of Administration to create a State do-not-call list.

The State and Federal do-not-call lists will work together to curb the amount of unsolicited calls to those on the lists. In the course of the next year, the Federal and Montana do-not-call lists will both go into effect. Important dates are listed below

Important Dates

February 13, 2003	Congress approves the Federal do-not-call list administered by the FTC.
May 9, 2003	Governor Martz signed HB 424 creating the Montana do-not-call list
July 1, 2003	Sign-up for the Federal do-not-call list begins
July 1, 2003	Montana's HB 424 requires that rules be adopted to govern the creation of a State do-not-call list. The Department of Administration will start the rule-making process at this time.
October 1, 2003	Enforcement of the Federal do-not-call list begins
January 1, 2004	Sign-up for the State do-not-call list begins. If you are already on the Federal do-not-call list, you will be placed on the State list automatically.
April 1, 2004	Enforcement of the State Do-Not-Call List begins

Montana Do-Not-Call
Frequently Asked Questions
(For Citizens)

What is a Do-Not-Call List?
It is a list of phone numbers that cannot be called by Telemarketers. If you place yourself on the lists, you will receive fewer telemarketing calls.

What is Telemarketing?
In Montana, telemarketing is defined as using the phone to encourage the purchase of, rental of, or investment in, goods, property, or services.

Why is there a State and a Federal list?
The Federal list only covers calls that cross state lines. The State list covers all telemarketing calls within, to, or from Montana. If you sign up on either list, you will be placed on the other one as well (For Example: Signing up for the Federal List will add your name to the state list).

How Much does it Cost to Sign-up to the Do-Not-Call Lists.?
It is free to sign-up on the Do-Not-Call Lists.

How Do I Sign-up to the Federal Do-Not-Call List?
There are two ways to sign up. You can call 1-888-382-1222 (TTY 1-866-290-4236) from the phone number you wish to add. (For example, to add your home phone number you must call using your home telephone). You can add up to 3 numbers by using the internet at www.donotcall.gov. You cannot sign up by writing a letter. The only information collected is your phone number and the date you called. You will be signed up for five years.

How Do I Sign-up for the State Do-Not-Call List?
The State list will not start its sign-up until January of 2004. If you sign-up to the Federal list, you will be automatically placed on the State list as soon as it starts. You will not have to do anything else.

Do I have to Sign-up for the Federal Do-Not-Call List As Well?
If you sign-up for one of the lists, you will automatically be placed on the other. (So signing up for the Federal List automatically puts you on the State List)

After I Sign-up, How Long Can Telemarketers still Call Me?
Telemarketers will be able to call you for 3 months after you sign up. The sooner you sign up, the sooner your calls will decrease.

Are Political Ads and Surveys covered by the Do-Not-Call Lists?
No, political ads and surveys are not covered by the Do-Not-Call list. You will still receive them.

Are There Some Telemarketers that Can Still Call Me?
Yes, some telemarketers will still be able to call: (for example)

1. Telemarketers you have authorized to call.
2. Telemarketers with a business contact to you within the last 180 days.
3. Telemarketers that are calling from their own home.
4. Professionals licensed by the State can call you to set up appointments

Are Charities Covered by the Do-Not-Call Lists?
Charities and non-profits can still call you. If you wish not to be called by them, you must request that they put you on their Do-Not-Call List. If you ask them to, they must do so.

How Do I File a Complaint, if a Telemarketer Still Calls Me?
If you don't know where they are calling from, call the FTC at 1-888-382-1222.
If you know they are calling from Montana, call the Montana Consumer Protection Office at 1-406-444-4500.

How Do I File a Complaint, if I Think a Telemarketer has Stolen My Money?
Call the Consumer Protection Office at 1-406-444-4500 and file a complaint.

What if I want my Name Removed from the Do-Not-Call List?
Call 1-888-382-1222 and follow the instructions provided.

Is Email or Junk Mail Covered by this Law?
No, they are not covered by this law or any other Montana law. For more information about Email or Junk Mail go to www.ftc.gov.

Montana Do-Not-Call
Frequently Asked Questions
(For Business)

What is Telemarketing?
In Montana, telemarketing is defined as using the phone to encourage the purchase of, rental of, or investment in, goods, property, or services

Is Telemarketing Illegal in Montana?
No, it is still legal to telemarket in Montana, but you may be required to purchase and use a Do-Not-Call List. You may still have to register and post bond if you are not exempt from bonding.

Do I Have to Buy the State Do-Not-Call List?
If you are **not** engaged in telemarketing, you do not need to buy the list. If you are engaged in telemarketing, you need to answer the questions below to see if you need to buy the list.

A. Are you a 501(c)1-(c)6 engaged in "fundraising" to support your charitable purpose and not using third-party telemarketers to make the calls? If **Yes,** then you do not need to use the State do-not call list, If **NO** then go to B below.

B. Are you licensed by Montana to carry out your trade and calling to set an appointment only? If **Yes,** then you do not need to use the State do-not call list, If **NO** then go to C below.

C. Are you regulated by a federal agency and required by that **SAME** agency to maintain a do-not-call list? If **Yes,** then you do not need to use the State do-not call list, If **NO** then go to D below.

D. Are you calling from your own primary residence? If **Yes,** then you do not need to use the State do-not call list, If **NO** then go to E below.

E. Are you calling someone you have had a Business Contact within the last 180 days or someone whose number you got by referral? If **Yes,** then you do not need to use the State do-not call list, If **NO** then go to F below.

F. Has the person specifically asked you to call them? If **Yes** then you do not need to use the State do-not call list, If **NO** then go to G below.

G. You will have to purchase the State do-not-call list and use it.

Are Charities and Non-Profits Exempt from Montana's Do-Not-Call List?
If all you are doing is seeking donations without selling anything, you are not telemarketing under the law and therefore do not have to buy the State Do-Not-Call List. If you are selling something and are a tax-exempt organization under 501 C1 through C6,

you do not have to purchase the State Do-Not-Call List if you don't hire third parties to make the calls. If a person requests you to not call them again, you must honor this request.

Where Do I get the State Do-Not-Call List?
As soon as the information becomes available it will be placed online. HB 424 which creates the State do-not-call list does not authorize rule-making until July of 2003. The Department of Administration will begin the rule-making process at that time.

How much does the State Do-Not-Call list Cost?
As soon as the information becomes available it will be placed online. HB 424 which creates the State do-not-call list does not authorize rule-making until July of 2003. The Department of Administration will begin the rule-making process at that time.

How Often Do I have to update My Do-Not-Call List?
You must update every 90 days.

Do I have to buy the Federal Do-Not-Call List?
If you call across state lines, you may have to buy the Federal list.
You can find that information at www.ftc.gov. You may have to buy the Federal list even if you already bought the State List.

Are the State and Federal Do-Not-Call List Identical?
Yes, they will be the exact same list of numbers.

Will Some Businesses have to Buy both the State and the Federal Do-Not-Call Lists?
Yes. A business will need to check to see whether it needs to buy the State Do-Not-Call List, the Federal Do-Not-Call List, or Both.

What are the Penalties for Not Using a Required Do-Not-Call List?
The penalties include a fine of up to $11,000 per call plus criminal charges are possible for intentional violations.

What if a Caller asks to be called or to be put on My Do-Not-Call List?
You are still required to maintain a list of people who have requested not to be called. You cannot call them again.

Can I use a Recorded Message?
No! In Montana, recorded telemarketing messages are illegal (MCA § 45-8-216). There are a few exceptions such as use of recorded message to tell someone that previously ordered goods are available for pick-up.

How will I know if someone Files a Complaint against My Business?
You will receive notice in the mail from either the Montana Consumer Protection Office or the FTC. You will need to respond to the complaints as they come in. Failure to respond can be a violation of State or Federal law.